

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

* **DOCKET NO. 2:08-CR-316**

v.

* **SECTION: “R”**

OSCAR OLVERA-PATINO

*

a/k/a Hightower Olvera

a/k/a Oscar Pacino Olvera

*

a/k/a Oscar Patino Olveras

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* * *

FACTUAL BASIS

_____Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **OSCAR OLVERA-PATINO** (hereinafter “**OLVERA-PATINO**”) has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a deported alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (the “agent”) would testify that on or about December 2, 2008, he encountered the defendant, **OLVERA-PATINO**, in Orleans Parish, in the Eastern District of Louisiana, after being notified by the Orleans Parish Sheriff’s Office that the

defendant had been arrested and was in state custody. Upon determining the defendant was illegally in the United States and upon his release from the custody of the State of Louisiana, the defendant was detained and arrested by an Immigration and Customs Enforcement agent.

The agent would testify that, upon questioning the defendant under oath after being read his *Miranda* rights, the defendant stated that he was a citizen of Mexico and was illegally in the United States. The agent confirmed the defendant's illegal status through the Immigration and Customs Enforcement database.

Documentation from the records of Immigration and Customs Enforcement, contained in the Defendant's Alien file, including the Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **OLVERA-PATINO**, was removed from the United States to Mexico on or about December 3, 2004, at or near Brownsville, Texas. A qualified Immigration and Customs Enforcement Fingerprint Specialist would testify that the fingerprints of the individual in the Immigration and Customs Enforcement Alien file with the Warrant of Removal/Deportation and the fingerprints of the defendant are the same.

A Certificate of Non-Existence of Record would show that the defendant, **OLVERA-PATINO**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

Further, documents, court records, and other admissible evidence would show that on or

about April 1, 1997, in the 174th District Court of Houston, Texas, the defendant,

OLVERA-PATINO, was convicted of engaging in organized criminal activity, a felony.

ROBERT WEIR Special Assistant United States Attorney Mississippi Bar No. 101464	Date
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OSCAR OLVERA-PATINO Defendant	Date
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SAMUEL SCILLITANI Assistant Federal Public Defender LA Bar Roll No. 21371 Attorney for the Defendant	Date
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